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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,542	03/30/2001	Michael S. Ripley	42390P10453	7664

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EXAMINER

NORRIS, TREMAYNE M

ART UNIT PAPER NUMBER

2137

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,542

Applicant(s)

RIPLEY ET AL.

Examiner

Tremayne M. Norris

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) NONE
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/12/02; 7/16/01
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1,2,10-13,26,27,31,32,35,38,41,45-50,53-56,58-60 are rejected under 35 U.S.C. 102(a) as being anticipated by Intel et al (10/18/00).

Regarding claim 1, Intel teaches a method comprising:

reading validation data from a validation area (VA) region of a medium having encrypted content;

determining keying material used to decrypt the encrypted content by deriving the keying material from the validation data; and

using the keying material to decrypt the encrypted content (pages 4-1 thru 5-6).

Regarding claim 2, Intel teaches the keying material is derived from the validation data by using the validation data itself where the validation data comprises the keying material (pages 4-1 thru 4-7).

Regarding claim 10, Intel teaches a method comprising:

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determining if a medium having encrypted content is a Validated Medium by
determining if validation data exists in a validation area (VA) region of the medium;
if the medium is a Validated Medium, determining keying material used to
decrypt the encrypted content by deriving the keying material from the validation data;
and
validating the keying material (pages 6-1 to 6-10).

Regarding claim 11, Intel teaches determining if the validation data exists in the
VA region comprises determining if a trigger has been set (page 1-2; page 5-2
"APSTB").

Regarding claim 12, Intel teaches determining if the trigger has been set
comprises determining if the most significant bit of the keying material is set to 1 (page
1-2; page 5-2 "APSTB").

Claim 13 is substantially equivalent to claim 2, therefore claim 13 is rejected
because of similar rationale.

Regarding claim 26, Intel teaches a method comprising:
determining if a medium having encrypted content is a Validated Medium by
determining if validation data exists in a validation area (VA) region of the medium; and
if the medium is a Validated Medium, then performing one of the following:

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determining keying material used to decrypt the encrypted content by deriving the keying material from the validation data, and then validating the keying material; and determining if the validation data and the keying material correspond, and validating the keying material if the validation data corresponds to the keying material (pages 5-4 to 6-10).

Claim 27 is substantially equivalent to claim 2, therefore claim 27 is rejected because of similar rationale.

Regarding claim 31, Intel teaches the VA region comprises a burst cutting area (page 4-1).

Claim 32 is substantially equivalent to claim 26, therefore claim 32 is rejected because of similar rationale.

Claim 35 is substantially equivalent to claim 26, therefore claim 35 is rejected because of similar rationale.

Claim 38 is substantially equivalent to claim 26, therefore claim 38 is rejected because of similar rationale.

Regarding claim 41, Intel teaches an apparatus comprising:
encrypted content; and
keying material', and
validation data written to a validation area (VA) region of the medium, the
validation data being used to validate the authenticity of the keying material (page 4-1;
pages 6-1 to 6-10).

Claim 45 is substantially equivalent to claim 31, therefore claim 45 is rejected
because of similar rationale.

Claims 46-48 are substantially equivalent to claims 26,11,12 respectively,
therefore claims 46-48 are rejected because of similar rationale.

Regarding claim 49, Intel teaches the validation data corresponds to the keying
material if the keying material matches the validation data (page 6-1 to 6-10).

Claim 50 is substantially equivalent to claim 26, therefore claim 50 is rejected
because of similar rationale.

Claim 53 is substantially equivalent to claim 26, therefore claim 53 is rejected
because of similar rationale.

Regarding claim 54, Intel teaches using the keying material derived from the VA region of the medium; and

determining that the validation data corresponds to the keying material (pages 6-1 to 6-10).

Claims 55 and 56 are substantially equivalent to claim 49, therefore claims 55 and 56 are rejected because of similar rationale.

Claims 58-60 are substantially equivalent to claims 31,11,12 respectively, therefore claims 58-60 are rejected because of similar rationale.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-9,14-16,17-25,28-30,33,34,36,37,39,40,42-44,51,52,57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Intel, and further in view of Intel et al (1/31/01).

Regarding claim 3, Intel (10/18/00) teaches the method of claim 1 but does not teach the keying material is derived from the validation data by using the validation itself where the validation data is a copy of the keying material that is written to the non-VA region of the medium. Intel (1/31/01) teaches the keying material is derived from the validation data by using the validation itself where the validation data is a copy of the keying material that is written to the non-VA region of the medium (pages 2-2 to 2-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Intel (10/18/00) with Intel (1/31/01) in order to provide a robust and renewable method for protecting content distributed on prerecorded media types using CPPM technology (Intel 1/31/01 page 1-1).

Regarding claim 4, Intel (1/31/01) teaches the medium uses CPPM (Content Protection For Prerecorded Media) format to protect the content, and:

the keying material comprises an album identifier that is written to the non-VA region of the medium', and

the validation data comprises a copy of the album identifier (pages 2-1 to 2-2).

Regarding claim 5, Intel (10/18/00) teaches the method of claim 1 but does not teach the keying material is derived from the validation data by converting the validation data in the VA region into the keying material in the non-VA region. Intel (1/31/01) teaches the keying material is derived from the validation data by converting the validation data in the VA region into the keying material in the non-VA region (page 2-2;

pages 2-6 to 2-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Intel (10/18/00) with Intel (1/31/01) in order to provide a robust and renewable method for protecting content distributed on prerecorded media types using CPPM technology (Intel 1/31/01 page 1-1).

Regarding claim 6, Intel (1/31/01) teaches the converting the validation data into the keying material comprises using a function for converting the validation data into the keying material, the reverse function having been used to create the validation data from the keying material (pages 2-6 to 2-9).

Regarding claim 7, Intel (1/31/00) teaches the medium uses CSS (Content Scramble System) format to protect the content, and:

the keying material comprises Secure Disc Key Data that is written to the non-vA region of the medium, and

the validation data comprises a cryptographic function on the Secure Disc Key Data (pages 2-8 to 2-9).

Regarding claim 8, Intel (1/31/00) teaches decrypting the encrypted content comprises using the keying material to form a cryptographic key to decrypt the encrypted content (page 2-7 to 2-8).

Regarding claim 9, Intel (10/18/00) teaches the medium comprises a DVD (Digital Versatile Disc), and the VA comprises a burst cutting area of the DVD (page 4-1).

Claims 14-16 are substantially equivalent to claims 3,5,9 respectively, therefore claims 14-16 are rejected because of similar rationale.

Regarding claim 17, Intel (10/18/00) teaches a method comprising:
determining if a medium having encrypted content is a Validated Medium by
determining if validation data exists in a validation area (VA) region of the medium, if the medium is a Validated Medium, determining if the validation data and the keying material correspond (pages 6-1 to 6-10).

What Intel (1/31/01) teaches that Intel (10/18/00) does not teach is the medium additionally having keying material written to a non-VA region of the medium;

if the validation data and the keying material correspond, using the keying material in the non-VA region to decrypt the encrypted content (page 2-2; pages 2-6 to 2-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Intel (10/18/00) with Intel (1/31/01) in order to provide a robust and renewable method for protecting content distributed on prerecorded media types using CPPM technology (Intel 1/31/01 page 1-1).

Claims 18 and 19 are substantially equivalent to claims 11 and 12 respectively, therefore claims 18 and 19 are rejected because of similar rationale.

Regarding claim 20, Intel (1/31/01) teaches the medium comprises a DVD-ROM (page 2-4).

Regarding claim 21, Intel (10/18/00) teaches determining if the validation data and the keying material correspond comprises determining if the validation data and the keying material match (pages 6-1 to 6-10).

Claim 22 is substantially equivalent to claim 4, therefore claim 22 is rejected because of similar rationale.

Regarding claim 23, Intel (10/18/00) teaches determining if the validation data and the keying material correspond comprises determining if a cryptographic function on the keying material matches the validation data pages (6-1 to 6-10).

Claims 24 and 25 are substantially equivalent to claims 7 and 9 respectively, therefore claims 24 and 25 are rejected because of similar rationale.

Claims 27-30 are substantially equivalent to claims 3,5,20 respectively, therefore claims 27-30 are rejected because of similar rationale.

Claims 33 and 34 are substantially equivalent to claims 4 and 7 respectively, therefore claims 33 and 34 are rejected because of similar rationale.

Claims 36 and 37 are substantially equivalent to claims 4 and 7 respectively, therefore claims 33 and 34 are rejected because of similar rationale.

Claims 39 and 40 are substantially equivalent to claims 4 and 7 respectively, therefore claims 39 and 40 are rejected because of similar rationale.

Claims 42-44 are substantially equivalent to claims 4,3,20 respectively, therefore claims 42-44 are rejected because of similar rationale.

Claims 51 and 52 are substantially equivalent to claims 4 and 7 respectively, therefore claims 51 and 52 are rejected because of similar rationale.

Claim 57 is substantially equivalent to claim 20, therefore claim 57 is rejected because of similar rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tremayne M. Norris whose telephone number is (571) 272-3874. The examiner can normally be reached on M-F 7:30AM-5:00PM alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tremayne Norris

September 19, 2004




Andrew Caldwell